

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION**

JAMES E. HORVATH

PETITIONER

VS.

4:07CV00157 WRW/JTR

JAY WINTERS,
Sheriff, Pope County, Arkansas

RESPONDENT

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge J. Thomas Ray. No objections have been filed. After careful review, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects. Judgment will be entered accordingly.

IT IS THEREFORE ORDERED that Respondent's Motion to Dismiss (docket entry #11) is GRANTED, and the Petition for a Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254 (docket entry #2) is DISMISSED, WITHOUT PREJUDICE.

Dated this 17th day of October, 2007.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE